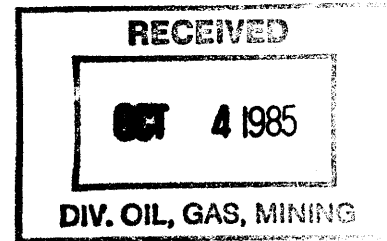


CARL E. KINGSTON (1826)
Attorney for Petitioner
53 West Angelo Avenue
P.O. Box 15809
Salt Lake City, Utah 84115
Phone: (801) 486-1458



BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
IN AND FOR THE STATE OF UTAH

CO-OP MINING COMPANY,	*	
	*	
Petitioner,	*	AMENDED PETITION FOR REVIEW
	*	
vs.	*	Docket No. <u>85-053</u>
	*	
DIVISION OF OIL, GAS	*	Cause No. <u>ACT 1015/025</u>
AND MINING,	*	
	*	
Respondent,	*	
	*	

Comes now the Petitioner, Co-op Mining Company, and
petitions the Board of Oil, Gas & Mining to formally review the proposed
assessments issued for the following alleged violations:

<u>No.</u>	<u>Date</u>	<u>Amount</u>
N85-4-8-2 (2)	3/12/85	\$3,000.00
N84-7-1-1		3,000.00
N85-4-13-1	5/2/85	260.00
N85-4-4-1	5/3/85	750.00

Copies of the NOV's are attached hereto and are incorporated
herein; as grounds for such petition, Petitioner alleges as follows:

1. The alleges violations, except for N84-7-1-1, did not occur.

2. With respect to N84-7-1-1, although Petitioner concedes that the violation did occur, Co-op contends that the violation was inadvertent, not due to negligence, that it was not a serious violation, that no damage or impact occurred, and that Co-op exercised good faith in abating the violation.

3. With respect to N85-4-8-2 (2), although Co-op will concede that ice had formed in a culvert, Co-op contends that the circumstances do not indicate that Co-op was in violation of the statute cited. In any event, even if a violation did occur, it was an occurrence beyond the control of Co-op, was not serious, did not result from any negligence, did not result in any damage or impact, and was abated immediately.

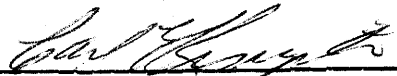
4. With respect to N85-4-13-1, Co-op contends that the standard cited was not violated. The water in question was culinary water, not mine water, and Co-op had a permit to divert and use the water at the point in question. Even if a violation did occur, it was not serious, caused no damage or impact and no negligence existed.

5. N85-4-4-1 was issued for failure to abate N85-4-13-1. Co-op contends that since N85-4-13-1 ought to be vacated as no violation occurred, N85-4-4-1, for failure to abate was improperly issued.

WHEREFORE, Co-op prays that the penalty for N85-7-1-1 be reduced substantially and that the remaining alleged violations be vacated or reduced, that the money placed in escrow be refunded to Co-op and for

such other and further relief as to the Board deems just.

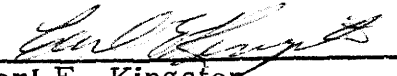
Dated this 3 day of October, 1985.



Carl E. Kingston
Attorney for Co-op Mining Company

CERTIFICATE

I hereby certify that I mailed a copy of the foregoing Amended Petition to Barbara W. Roberts, Assistant Attorney General, 124 State Capitol, Salt Lake City, Utah 84114 and to Division of Oil, Gas & Mining, 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah 84180-1203, postage prepaid, this 3 day of October, 1985.



Carl E. Kingston



STATE OF UTAH

Notice of Violation No. N B5-4-8-2

Violation No. 2 of 2

Nature of the Violation

FAILURE TO MAINTAIN SEDIMENT CONTROLS IN SUCH A MANNER AS TO PREVENT
ADDITIONAL CONTRIBUTIONS OF SUSPENDED SOLIDS TO STREAMFLOW OR RUNOFF
OUTSIDE THE PERMIT AREA.

Provision(s) of the Regulations, Act, or Permit Violated

UMC 817.45

Portion of the Operation to which Notice Applies

THE CROSS CULVERT TO THE SCALEHOUSE CATCH BASIN (SEDIMENT POND 1)

Remedial Action Required (including interim steps, if any)

MAINTAIN THE CULVERT SO THAT IT CAN PASS THE RUNOFF FROM A
10 YEAR, 24 HOUR PRECIPITATION EVENT, AS DESIGNED

Time for Abatement (including time for interim steps, if any)

MARCH 21, 1985, AT 5 PM.

ASSESSMENT CONFERENCE REPORT
(continued)1. Notice of Violation/Cessation Order No. N85-4-8-2Permit # ACT/015/025Violation 2 of 2(a) Nature of violation: Culvert blocked with ice.

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>6</u>	<u>6</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>14</u>	<u>14</u>
Extent of Damage	<u>21</u>	<u>21</u>
(2) Obstr. to Enforcement		
(c) Negligence	<u>28</u>	<u>28</u>
(d) Good Faith		
TOTAL	<u>69</u>	<u>69</u>
	TOTAL ASSESSED FINE	<u>\$ 3,000</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Evidence was that operator was aware of the problems with the iced-up culverts and used insufficient diligence to cure it.

00130

ASSESSMENT CONFERENCE REPORT
(continued)1. Notice of Violation/Cessation Order No. C84-7-1-1Permit # ACT/015/025Violation 1 of 1

(a) Nature of violation:

Mining was performed outside permit area.

2. Conference Result

(a) History/Prev. Vio.

Proposed
AssessmentConference
Assessment66

(b) Seriousness

(1) Probability of Occurrence

1515

Extent of Damage

2318

(2) Obstr. to Enforcement

(c) Negligence

3030

(d) Good Faith

TOTAL

7469

TOTAL ASSESSED FINE

\$ 3,000.00 ?

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Evidence indicates potential surface damage is probably less than estimated due to geology of impacted area. No change in other points. The operator must bear full responsibility to work within permit area. All maps and surveys are in complete operator control.

00130



STATE OF UTAH

Notice of Violation No. N 85-4-13-1

Violation No. 1 of 1

Nature of the Violation

FAILURE TO MINE ^{IN} ACCORDANCE WITH AN APPROVED INTERIM PERMIT

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-22(1)(c)
UMC 77.19

Portion of the Operation to which Notice Applies

DISCHARGE OF MINE WATER TO THE SEDIMENT POND

Remedial Action Required (including interim steps, if any)

- A. STOP DISCHARGING WATER FROM THE MINE
B. SUBMIT ~~RE~~ COMPLETE PLANS TO THE DIVISION FOR THE PERMITTING
OF DISCHARGE OF WATER FROM THE MINE TO THE SURFACE

Time for Abatement (including time for interim steps, if any)

A. IMMEDIATELY

B. MAR 8, 1985

ASSESSMENT CONFERENCE REPORT
(continued)1. Company Name/Mine Name: Co-op Mining Company/Bear Canyon MinePERMIT # ACT/015/025VIOLATION N85-4-13-1, #1 of 1(a) Nature of violation: Discharge of unpermitted water to sediment pond.

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>6</u>	<u>6</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>5</u>	<u>5</u>
Extent of Damage	<u>9</u>	<u>9</u>
(2) Obstr. to Enforcement	<u> </u>	<u> </u>
(c) Negligence	<u>9</u>	<u>3</u>
(d) Good Faith	<u> </u>	<u> </u>
TOTAL	<u>29</u>	<u>23</u>
TOTAL ASSESSED FINE		<u>\$ 260.</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Water was culinary system overflow, not mine discharge. It would be more difficult to anticipate. However, erosion and flow to sediment pond occurred regardless of the source of the water.



STATE OF UTAH

Cessation Order No. C 85-1-4-1

Violation No. 1 of 1

Nature of Condition, Practice, or Violation

FAILURE TO ABATE A NOTICE OF VIOLATION WITHIN THE TIME SET FOR
ABATEMENT

Provision(s) of the Regulations, Act, or Permit Violated

UCA 90-10-22(1)(c)
UMC 843.11(b)(1)

Check Appropriate Box:

- ☐ The condition, practice, or violation is creating an imminent danger to the health or safety of the public.
- ☐ The condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.
- ☒ The permittee or operator has failed to abate Violation(s) No. 1 included in Notice of Violation No. N 85-4-13-1 within the time for abatement originally fixed or subsequently extended.

Operation(s) to be Ceased Immediately

NOT APPLICABLE

Affirmative Obligation(s) and Time for Abatement (if applicable)

COMPLY WITH THE REMEDIAL ACTIONS REQUIRED IN THE VIOLATION. PART A
IMMEDIATE

FINALIZED ASSESSMENT OF CESSATION ORDERS
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE CO-Op/Bear Canyon Mine CO # C85-4-4-1
 PERMIT # ACT/015/025 VIOLATION 1 OF 1
 INSPECTOR David Loft DATE ISSUED May 2, 1985
 NATURE OF THE CESSATION ORDER: Failure to abate N85-4-13-1
 DATE OF ABATEMENT OF CESSATION ORDER: May 3, 1985
 DATE OF RECEIPT OF CESSATION ORDER: May 3, 1985
 LIST THE DAYS OF FAILURE TO ABATE: May 3, 1985
 TOTAL NUMBER OF DAYS OF FAILURE TO ABATE: One (1)
 NUMBER OF DAYS X \$750/DAY = TOTAL ASSESSED FINE: \$750.00

Delay in abatement resulted from absence of company permitting and compliance officer. Company is obligated to provide substitutes during absence of personnel.

CONFERENCE DATE July 16, 1985 CONFERENCE OFFICER Constance K. Lundberg

 PROPOSED ASSESSMENT X FINAL ASSESSMENT

69760